

REMARKS

Claims 1-2, 5 and 7-20 remain in the application.

By this amendment the language of claim 3 has been revised to more clearly state that the closure element forms the other end of the first control chamber, and this revised language has been incorporated into claim 1. Thus, independent claim 1 has been revised to recite substantially the same limitations as former claim 3, and claim 3 has been canceled.

In the first Office action the examiner rejected claim 3 as unpatentable over Keiczek in view of Boecking. As part of that rejection, the examiner stated that the patent to Boecking teaches a control valve for injectors, which included a control chamber (11), present in the nozzle needle (21), and a closure element [see figs. 1-3, and col. 4, line 6 through col. 5, line 48]. This statement by the examiner is not correct. Boecking's control chamber 11 is not within the nozzle needle 21.

As can be seen in Boecking's figure 1, nozzle needle 21 is at the lower end of the injection nozzle 7. Piston 19 rests against the top end of nozzle needle 21. Control chamber 11 is positioned above piston 19. Thus, the chamber 11 is spaced a considerable distance above the nozzle needle 21, not positioned within it or any other nozzle needle as recited by applicant's claim 1.

Likewise, the patent to Boecking does not teach a closure element which could in any way be considered to be equivalent to closure element 11 as recited in applicant's claim 1.

The examiner has also applied the patent to Keiczek against applicant's former claim 3, but as the examiner has correctly understood, Keiczek does not teach any form of control chamber within the bounds of this patent, and also certainly not a closure element such as recited in claim 1.

Clearly, since neither reference, to Keiczek nor to Boecking, teaches a control chamber nor a closure element such as recited in applicant's presently amended claim 1, these references can not support a rejection of amended claim 1 under 35 USC 103. Neither reference teaches a control chamber such as recited in applicant's claim 1. Likewise, neither reference teaches a closure element such as recited in applicant's claim 1. By the same token, neither reference teaches anything which could in any way make it obvious to one skilled in the art that such a control chamber or closure element could or should be added to the structure which is taught by the other reference.

By this amendment independent claim 1 has thus been made allowable, and since claim 5 now depends on an allowable, generic claim, claims 5 and 8 should be reinstated and allowed along with claim 1.

Regarding claims 7-9, neither the reference to Keiczek, nor the reference to Boecking teaches a spring positioned as recited in these claims.

Regarding claim 12, neither the reference to Keiczek, nor the reference to Boecking teaches an outlet throttle such as recited in claim 12.

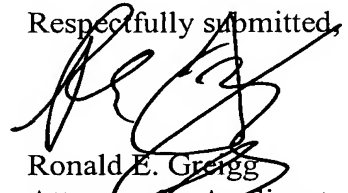
Regarding claim 14, neither the reference to Keiczek, nor the reference to Boecking teaches a second control chamber such as recited in claim 14.

Appl. No. 10/750,881
Amdt dated December 21, 2004
Reply to Office action of October 1, 2004

In the first Office action the examiner acknowledged that claims 10-11, 13 and 15-20 include patentable subject matter, which indication is greatly appreciated.

Reconsideration and allowance of the claims are courteously solicited.

Respectfully submitted,



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